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7 IN THE UNITED STATES DISTRICT COURT  
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9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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11 UNITED STATES OF AMERICA,

No. CR 11-804 MMC

12 Plaintiff,

13 v.  
14 **ORDER DENYING DEFENDANT'S  
REQUEST FOR APPOINTMENT OF  
COUNSEL**

15 MIMI WANG,

16 Defendant

17 /

18 Before the Court is defendant's letter, filed December 5, 2012, in which defendant  
19 requests the Court appoint counsel to represent her in connection with any proceedings to  
20 be conducted with respect to her "Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or  
21 Correct Sentence by a Person in Federal Custody," also filed December 5, 2012. Having  
read and considered plaintiff's request, the Court rules as follows.

22 Defendant has no right to counsel to assist her in filing a motion for relief under  
23 § 2255. See United States v. Angelone, 894 F.2d 1129, 1130 (9th Cir. 1990). A district  
24 court may appoint counsel for a defendant seeking relief under § 2255, however, where  
25 "the interests of justice so require." See 18 U.S.C. § 3006A(a)(2). Such appointment is  
26 proper where "it appears probable that any substantial issue, or at least a substantial issue  
27 of fact, will be presented." See Dillon v. United States, 307 F.2d 445, 447 (9th Cir. 1962).

28 Here, defendant fails to show it is probable that her § 2255 motion will present a

1 substantial issue.

2 Accordingly, defendant's request is hereby DENIED.

3 **IT IS SO ORDERED.**

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5 Dated: December 14, 2012

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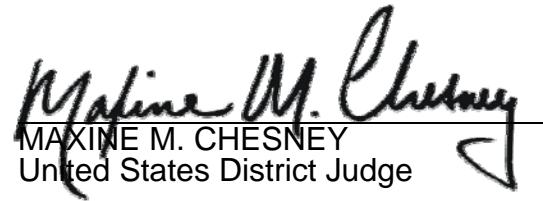
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MAXINE M. CHESNEY  
United States District Judge